

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE: PHARMACEUTICAL INDUSTRY AVERAGE  
WHOLESALE PRICE LITIGATION

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MDL No. 1456

C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

ALL ACTIONS

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**MOTION TO ENFORCE SETTLEMENT WITH BMS**

For the reasons set forth in the accompanying Memorandum in Support, the court-appointed named class representative for the Class 1 consumer Sub-Class of Medicare beneficiaries who purchased drugs manufactured and sold by Bristol Meyers Squibb (“BMS”), by and through his undersigned individual counsel, hereby moves to enforce the settlement reached between the parties on June 25, 2007 and codified in a Memorandum of Understanding (“MOU”) attached hereto as Exhibit “A”.

Dated: February 16, 2010

By: /s/ Donald E. Haviland, Jr.  
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